

## UNITED STATES DISTRICT COURT

for the  
Western District of Washington

In the Matter of the Search of )  
 )  
 Information associated with One (1) Target ) Case No. **MJ23-104**  
 Accounts/Identifiers, for Investigation of 21 )  
 U.S.C. § 841 & 846 and Other Offenses )

**APPLICATION FOR A SEARCH WARRANT AND PEN-TRAP ORDER**

I, a federal law enforcement officer or an attorney for the government, request a search warrant and pen-trap order, and state under penalty of perjury that I have reason to believe that on the person or property described in Attachment A2, located in the Western District of Washington and elsewhere, there is now concealed property and evidence described in Attachment B. This Court has authority to issue this warrant under 18 U.S.C. §§ 2703(c)(1)(A) and 2711(3)(A) and Federal Rule of Criminal Procedure 41.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

*Code Section*  
 18 U.S.C. § 841 & 846

*Offense Description*  
 Distribution and Conspiracy to Distribute Controlled Substances

The application is based on the facts set forth in the attached affidavit, which is incorporated herein by reference with all attachments and exhibits. Pursuant to 18 U.S.C. § 3123(a)(1), Exhibit 1 to the affidavit includes a certification from an attorney from the government that the requested information is relevant to an ongoing criminal investigation.

☒ Delayed notice of 90 days (give exact ending date if more than 30 days: June 1, 2023) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Pursuant to Fed. R. Crim. P. 41, this warrant is presented by:

☒ reliable electronic means; or ☐ telephonically recorded

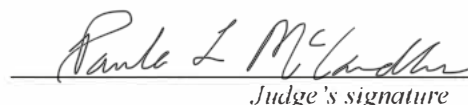


*Applicant's signature*

Matt Blackburn, FBI Task Force Officer  
*Printed name and title*

- ☐ The foregoing affidavit was sworn before me and signed in my presence, or  
☒ The above-named officer provided a sworn statement attesting to the truth or the foregoing affidavit by telephone/

Date: March 3, 2023



*Judge's signature*

Paula L. McCandlis, United States Magistrate Judge  
*Printed name and title*

City and state: Seattle, Washington

USAO # 2022R01268

**ATTACHMENT A2**

**Property to Be Searched and Subscriber/Subject Information**

1. Records and information associated with the cellular phone assigned call number (206) 602-8343, with listed subscriber Frank Graves and the subscriber address is 1175 Harrington PL NE, APT 201 in Renton, WA (the “Target Cell Phone”), that are in the custody or control of T-Mobile, a wireless telephone service provider headquartered at 4 Sylvan Way, Parsippany, NJ 07054. The subscriber/customer of the Target Cell Phone is Frank Graves. The identity of the person who is the subject of the criminal investigation is Frank Graves and other known and unknown.

2. The Target Cell Phone.

3. The property to be searched includes: (i) any instrument to which the listed target telephone number was assigned within the last 30 days, and that now has been assigned a changed telephone number, (ii) any changed telephone number assigned to an instrument now bearing the same unique identifying number (such as an IMSI, ESN, MSID, or IMEI) as the telephone number listed above, or that was bearing the same unique identifying number as the telephone number listed above, at any point within the last 30 days, (iii) any changed unique identifying number subsequently assigned to the same telephone number, or (iv) any additional changed telephone number and/or unique identifying number, whether the changes occur consecutively or simultaneously, listed to the same subscriber and wireless telephone account number as the telephone numbers listed above, within the period of disclosure authorized by this warrant.

**ATTACHMENT B**  
**Particular Things to Be Seized**

This warrant is issued pursuant to Rule 41 of the Federal Rules of Criminal Procedure, the Electronic Communications Privacy Act (ECPA), 18 U.S.C. §§ 2701- 2713, and the Pen Register Act, 18 U.S.C. §§ 3121-3127. As such, this warrant authorizes the collection of subscriber records, pen-trap data, and cell site data information regarding the Target Telephone described in Attachment A2. This warrant does not authorize the disclosure or seizure of any tangible property or the content of any wire or electronic communication, as defined in 18 U.S.C. § 2510(8). Accordingly, the Court finds reasonable necessity for the seizure of the data and records identified below. *See* 18 U.S.C. § 3103a(b)(2).

**I. Section I: Information to be Disclosed by as the Wireless Provider**

1. **Subscriber/Account Information.** The following non-content information about the customers or subscribers associated with the Account listed in Attachment A2:

- a. Names (including subscriber names, user names, and screen names);
- b. Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses);
- c. Local and long distance telephone connection records for the last 60 days or two billing cycles, whichever is longer;
- d. Records of session times and durations, and the temporarily assigned network addresses (such as Internet Protocol (“IP”) addresses) associated with those sessions for the past 60 days or two billing cycles, whichever is longer;
- e. Length of service (including start date) and types of service utilized;
- f. Telephone or instrument numbers (including MAC addresses, Electronic Serial Numbers (“ESN”), Mobile Electronic Identity Numbers (“MEIN”), Mobile Equipment Identifiers (“MEID”), Mobile Identification Numbers (“MIN”), Subscriber Identity Modules (“SIM”), Mobile Subscriber Integrated Services Digital Network Numbers (“MSISDN”), International Mobile Subscriber Identity Identifiers (“IMSI”), or International Mobile Equipment Identities (“IMEI”);

g. Other subscriber numbers or identities (including the registration Internet Protocol (“IP”) address); and

h. Means and source of payment for such service (including any credit card or bank account number) and billing records.

**2. Prospective Cell Site Location Information.**

a. All information about the location of the Target Telephone described in Attachment A for **a period of 45 days from activation**, during all times of day and night. This information includes: precise location information, as well as all data about which “cell towers” (i.e., antenna towers covering specific geographic areas) and “sectors” (i.e., faces of the towers) received a radio signal from the cellular telephone(s) or account(s) described in Attachment A2.

b. The physical address and coverage maps of cell towers used by the Target Telephone described in Attachment A2.

**3. Prospective E-911/GPS and Cell Site Triangulation Information.**

a. All information about the location of the Target Telephone described in Attachment A2 for **a period of 45 days**, during all times of day and night. This information includes: all available E-911 Phase II data, GPS data, latitude-longitude data, and other precise location information, as well as all data about which “cell towers” (i.e., antenna towers covering specific geographic areas) and “sectors” (i.e., faces of the towers) received a radio signal from the cellular telephone(s) or account(s) described in Attachment A2.

b. The physical address and coverage maps of cell towers used by the Target Telephone described in Attachment A2.

To the extent that the location information described in the previous paragraphs (hereinafter, “Location Information”) is within the possession, custody, or control of the Wireless Provider. The Wireless Provider is required to disclose the Location Information to the government pursuant to this warrant. In addition, pursuant to 18 U.S.C. §§ 3123(b)(2) and 3124(a)-(b), the Wireless Provider must furnish the government all information, facilities, and technical assistance necessary to accomplish the collection of the Location Information unobtrusively and with a minimum of interference with the Wireless Provider’s services. The government shall compensate the Wireless Provider for reasonable expenses incurred in

furnishing such facilities or assistance.

**II. Section II: Information to Be Seized by the Government**

1. All information described above in Section I that will assist in investigating unidentified subjects who are engaged in violating 21 U.S.C. §§ 841(a)(1), and 846.
2. All non-content subscriber/account information provided pursuant to 18 U.S.C. § 2703(c).
3. Location Information regarding the Target Telephone described in Attachment A2.

Law enforcement personnel (who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, agency personnel assisting the government in this investigation, and outside technical experts under government control) are authorized to review the records produced by the Wireless Provider in order to locate the things particularly described in this Warrant.

STATE OF WASHINGTON                    )  
  )  
COUNTY OF KING                        )                    SS

I, Matt Blackburn, a Task Force Officer with the Federal Bureau of Investigation, Seattle, Washington, being first duly sworn, hereby depose and state as follows:

## INTRODUCTION

## Application for Tracking Warrant

1. I am submitting this Affidavit pursuant to Rule 41 of the Federal Rules of Criminal Procedure in support of an applications for a warrant authorizing the real-time location tracking of the following vehicle for a period of 45 days:

a. **Target Vehicle 1 (TV1)** a 2015 light blue Chevrolet Suburban, bearing Washington License plate CDL3026, registered to Frank Lozano Graves at 1175 Harrington PL NE, APT 201, Renton, Washington, as described in Attachment A1.

2. **Target Vehicle 1** is believed to be currently located in this District and used to facilitate drug trafficking.

3. We request permission to install/service the tracking device at any time, day or night, in order to ensure that we can do so covertly and avoid jeopardizing the ongoing investigation. Investigators believe it would be safer for investigators to install the tracking device(s) during hours of darkness, to ensure the tracking device is installed in a covert manner. The address listed above are visible from neighboring residences, which makes it highly unlikely that investigators will be able to install or maintenance the tracking device in a covert manner during daylight hours. Because we believe early morning hours or later evening hours are the safest time for installation and access to the vehicle, we request nighttime authorization. Due to the covert nature of this installation, and in order to ensure the safety of the executing officers, I also request that the

1 government be relieved of any requirements to leave a copy of the warrant in the  
2 premises entered, or the vehicles. The device will not monitor or record voice  
3 communications, nor will it interfere with the safe operation of **Target Vehicle 1**.

4 4. I seek authority to do the following: (a) install, remove, monitor, repair, or  
5 adjust a global positioning satellite (hereinafter GPS) electronic tracking device on to  
6 **Target Vehicle 1** at any time of the day or night; (b) if necessary to protect the safety of  
7 persons installing, removing, monitoring, repairing, or adjusting the electronic tracking  
8 device on **Target Vehicle 1** or to protect the integrity of the investigation, to  
9 surreptitiously enter the subject vehicles at any time of the day or night, and move the  
10 subject vehicles from one location to another for the purpose of installing, removing,  
11 monitoring, repairing, or adjusting the device; and/or to tow the vehicles; (c)  
12 surreptitiously re-enter **Target Vehicle 1** at any time of the day or night, for the purpose  
13 of installing, removing, monitoring, repairing, or adjusting the device; and  
14 (d) continuously monitor any and all signals emitted from the electronic tracking device  
15 in any jurisdiction within the United States, including when the vehicle enters any  
16 structure or private property in which there may be a reasonable expectation of privacy. I  
17 request this authorization for a period of up to forty-five (45) days.

18 5. **Target Vehicle 1** is registered to Frank Graves home address at 1175  
19 Harrington PL NE, Renton, Washington. That property has a parking area accessible  
20 from the street. I request permission to enter this property to install the GPS device.

21 6. This is the **third** application in this judicial district for a tracking warrant  
22 for **Target Vehicle 1** in connection with this investigation.

23 **Application for a Tracking Warrant for a Target Telephone**

24 7. I also make this affidavit in support of an application for a search warrant  
25 under Federal Rule of Criminal Procedure 41 and 18 U.S.C. §§ 2703(c)(1)(A) for  
26 information about the location of the following cellular telephone (the "Target  
27 Telephone"):  
28

1 a. **Target Telephone 1 (TT1)** is a cellular telephone with telephone  
 2 number (206) 602-8343, with service provided by T-Mobile, a wireless telephone service  
 3 provider headquartered at 4 Sylvan Way, Parsippany, NJ 07054. **TT1** is subscribed to  
 4 Frank Graves and the subscriber address 1175 Harrington PL NE, APT 201, Renton,  
 5 WA.

6 8. **TT1** is described herein and in Attachment A2, and the location  
 7 information to be seized is described herein and in Attachment B.

8 9. This is the **third** request for a pen register/trap and trace and GPS location  
 9 information on **TT1**, believed to be used by Frank Graves.<sup>1</sup>

#### 10 ECPA

11 10. The Court has jurisdiction to issue the proposed warrant under the  
 12 Electronic Communications Privacy Act (ECPA), 18 U.S.C. §§ 2701-2713, because it is  
 13 a “court of competent jurisdiction” as defined in 18 U.S.C. § 2711. Specifically, the  
 14 Court is the Western District of Washington, a district court of the United States that has  
 15 jurisdiction over the offense being investigated, see 18 U.S.C. § 2711(3)(A)(i).

#### 16 Pen Register Act

17 11. Because this warrant seeks the prospective collection of information that  
 18 falls within the statutory definitions of information collected by a “pen register” and/or  
 19 “trap and trace device,” see 18 U.S.C. § 3127(3) & (4), the requested warrant is designed  
 20 to comply with the Pen Register Act, 18 U.S.C. §§ 3121-3127.

21 12. The Court has jurisdiction to issue the requested pen-trap order because it is  
 22 a “court of competent jurisdiction” under 18 U.S.C. § 3122(a)(2). Specifically, the Court  
 23

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24 <sup>1</sup> Investigators initially received authorization to obtain pen register/trap and trace and GPS location  
 25 information for **TT1** on November 17, 2022, under case number MJ22-555 PLM. To correct an issue  
 26 with the identified IMSI for **TT1**, investigators resubmitted the application for the warrant, which was  
 27 granted on November 28, 2022, under case number MJ22-571 MLP. The Court renewed this  
 28 authorization on January 11, 2023, under case number MJ23-011. Again, to correct an issue with the  
 identified IMSI for **TT1**, investigators resubmitted the application, which was granted on January 18,  
 2023, under case number MJ23-023.



1 is a district court of the United States that “has jurisdiction over the offense being  
2 investigated.” 18 U.S.C. § 3127(2)(A)(i).

3 13. This application includes all the information required by the Pen Register  
4 Act. See 18 U.S.C. §§ 3122(b) & 3123(a)(1). Namely, Exhibit 1 to this application is a  
5 certification from Assistant United States Attorney Stephen Hobbs that (1) identifies the  
6 Drug Enforcement Administration (DEA) as the law enforcement agency conducting the  
7 investigation and (2) certifies the information likely to be obtained is relevant to an  
8 ongoing criminal investigation being conducted by those agencies. 18 U.S.C. § 3122(b).  
9 The Assistant United States Attorney is an “attorney for the government” as defined in  
10 Rule 1(b)(1) of the Federal Rules of Criminal Procedure.

11 14. A “pen register” is “a device or process which records or decodes dialing,  
12 routing, addressing, or signaling information transmitted by an instrument or facility from  
13 which a wire or electronic communication is transmitted.” 18 U.S.C. § 3127(3). A “trap  
14 and trace device” is “a device or process which captures the incoming electronic or other  
15 impulses which identify the originating number or other dialing, routing, addressing, and  
16 signaling information reasonably likely to identify the source of a wire or electronic  
17 communication.” 18 U.S.C. § 3127(4).

18 15. In the traditional telephone context, pen registers captured the destination  
19 phone numbers of outgoing calls, while trap and trace devices captured the phone  
20 numbers of incoming calls. Similar principles apply to other kinds of wire and electronic  
21 communications such as emails, text messages, connection logs, and data transfers. The  
22 prospective location data sought in this application constitutes “dialing, routing,  
23 addressing, and signaling information” covered by the Pen Register Act. Accordingly,  
24 the requested warrant will record, decode, and/or capture dialing, routing, addressing, and  
25 signaling information associated with TT1 without geographic limit.

26 16. The United States further requests, pursuant to 18 U.S.C. §§ 3123(b)(2) and  
27 3124(a)-(b), that the Court order through Attachment B of the requested warrant that T-

1 Mobile Wireless, and any other person or entity providing wire or electronic  
2 communication service in the United States whose assistance may facilitate execution of  
3 this warrant furnish, upon service of the warrant, information, facilities, and technical  
4 assistance necessary to install the pen/trap, including installation and operation of the  
5 pen-trap unobtrusively and with minimum disruption of normal service. Any entity  
6 providing such assistance shall be reasonably compensated by the DEA, pursuant to 18  
7 U.S.C. § 3124(c), for reasonable expenses incurred in providing facilities and assistance  
8 in furtherance of the warrant.

9 17. Through this application, the United States does not request and does not  
10 seek to obtain the contents of any communications, as defined in 18 U.S.C. § 2510(8).

#### 11 **AGENT BACKGROUND**

12 18. I am an investigative law enforcement officer of the United States within  
13 the meaning of 18 U.S.C. § 2510(7). As such, I am empowered to conduct investigations  
14 of, and to make arrests for, violations of the Controlled Substance Act, Title 21, United  
15 States Code, Section 801 *et seq.*, and related offenses.

16 19. I am a duly sworn member of the Seattle Police Department (SPD) and  
17 have been employed as a police officer since December of 2007. I am currently assigned  
18 to the SPD Gun Violence Reduction Unit (GVRU). In May of 2022, I was assigned as a  
19 Task Force Officer (TFO) with the FBI. I am currently assigned to the violent crime,  
20 gang, and transnational organized crime squad in the Seattle, Washington Division of the  
21 FBI. I have approximately fourteen years of state law enforcement experience. I  
22 completed the Washington State Criminal Justice Commissions Basic Law Enforcement  
23 academy as well as the SPD Anti-Crime Team School and Undercover School. I have  
24 also been trained and have experience in the handling and use of confidential informants.  
25 As an SPD officer, I have actively participated in investigations of criminal activity,  
26 including but not limited to: crimes against persons, crimes against property, fire and  
27 explosives-related crimes, and crimes involving the possession, use, and theft of firearms.

1 I have also been a part of hundreds of narcotic investigations ranging from the street-level  
2 sale and consumption of drugs to international drug trafficking organizations. I have  
3 been trained in the identification of illegal narcotics, their use, and how they are  
4 consumed and distributed. As part of some of these investigations, I have developed and  
5 utilized confidential informants. During these investigations, I have also participated in  
6 the execution of search warrants and the seizure of evidence indicating the presence of  
7 criminal violations. As a law enforcement officer, I have testified under oath, affirmed to  
8 applications of search and arrest warrants, and obtained electronic monitoring orders.

9 20. In my role as a police officer and a member of the FBI Safe Streets Task  
10 Force, I have participated in gang investigations that have resulted in the arrest of  
11 individuals and the seizure of illicit narcotics and/or narcotics-related evidence, firearms,  
12 and the forfeiture of narcotics-related assets. I have been involved in the service of  
13 federal and state search warrants as part of these investigations. I am also familiar with  
14 the manner in which criminals, including gang members/associates, use telephones, often  
15 cellular telephones, to conduct their unlawful operations, and how they code their  
16 conversations to disguise their unlawful activities.

17 21. I have drafted search warrants, tracking warrants, and other legal process in  
18 furtherance of investigations. I have executed search warrants for items such as  
19 controlled substances in residences and vehicles. I have used technology to include  
20 Global Positioning Systems (GPS) and cameras to monitor and locate subjects of criminal  
21 investigations. I have also conducted physical surveillance of persons, places, and things  
22 in furtherance of criminal investigations.

### 23 SUMMARY OF PROBABLE CAUSE

24 22. I have participated in the investigation described in this affidavit since  
25 September of 2022. I obtained the facts set forth in this affidavit through personal  
26 participation in the investigation described below, from oral and written reports of other  
27 law enforcement officers, from records, documents and other evidence obtained during  
28

1 this investigation, and from confidential sources and sources of information who are  
2 associated with, and knowledgeable about, the subjects of this investigation and their  
3 confederates. I have obtained and read official reports prepared by various law  
4 enforcement officers participating in this investigation and in the other related  
5 investigations by agencies referenced in this affidavit.

6 23. When this affidavit refers to vehicle ownership, either I or other agents<sup>2</sup>  
7 involved in the investigation reviewed the relevant state vehicle records from the  
8 Washington State Department of Licensing (DOL), or the equivalent agency in other  
9 states. Similarly, when this affidavit refers to identification documents, either I or other  
10 agents involved in the investigation reviewed the relevant driver's license or similar  
11 records maintained by DOL, or the equivalent agencies in other states. When this  
12 affidavit refers to the criminal history of a subject, either I or other agents involved in the  
13 investigation reviewed the available criminal history from state or federal agencies. When  
14 this affidavit refers to telephone subscription records, either I or other agents involved in  
15 the investigation reviewed the subscriber records obtained from the telephone company  
16 by administrative subpoena or court order, or I obtained the information from other law  
17 enforcement officers familiar with this investigation. When this affidavit refers to  
18 telephone toll records, either I or other agents involved in the investigation received the  
19 information from the telephone company pursuant to an administrative subpoena or court  
20 authorized pen registers. When this affidavit refers to beliefs or conclusions of  
21 investigators, these beliefs and conclusions are based on the collective training and  
22 experience of the agents involved in this investigation.

23 24. Since this affidavit is submitted for the limited purpose of securing renewed  
24 authorization for a tracking warrant on **Target Vehicle 1**, I have not included every fact  
25

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26 <sup>2</sup> When I use the term "agents" or "investigators" throughout the affidavit, I am referring to law enforcement  
27 personnel, including, but not limited to DEA and FBI agents and TFOs, SPD sergeants, detectives, and officers, as  
28 well as personnel associated with other state and federal law enforcement agencies.

1 known to me concerning this investigation. I have set forth the facts that I believe are  
2 necessary for a fair determination of probable cause for the requested warrant.

3 25. Based on the facts set forth in this affidavit, there is probable cause to  
4 believe that violations of Title 21, United States Code, Sections 841(a)(1) and 846  
5 (distribution of, and conspiracy to distribute, controlled substances), have been  
6 committed, are being committed, and will be committed by Frank Graves and members  
7 of the Graves DTO, both known and unknown, and that these members of the Graves  
8 DTO are using **Target Vehicle 1** in furtherance of these crimes. Further, there is  
9 probable cause to believe that tracking of **Target Vehicle 1** will reveal evidence,  
10 contraband, fruits, and instrumentalities of these violations. Obtaining the information  
11 sought in this Affidavit is necessary to further the investigation into these offenses.

12 Historical background of the Graves DTO

13 26. The United States, including the FBI and the SPD, is conducting a criminal  
14 investigation of a regional drug trafficking organization, which investigators are referring  
15 to as the Graves DTO. The Graves DTO is believed to transport narcotics, including  
16 fentanyl pills, from the Las Vegas area to the Seattle area for redistribution. The targets  
17 of this investigation include Frank L. Graves (referred to as "Frank Graves"); his son,  
18 Frank M. Graves (referred to as "Frank Jr."); and Lionel Hampton. Investigators believe  
19 that Frank Graves is distributing fentanyl pills within the Western District of  
20 Washington.

21 27. In February of 2015, Frank Graves was arrested by the Kent Police  
22 Department for the sale of Oxycodone pills. At the time of Frank Graves' arrest, police  
23 seized 391 pills from his person, 100 from his vehicle, 259 from his wife's vehicle, and  
24 261 from his residence at 1175 Harrington PL NE, #201, in Renton, Washington (the  
25 address where **Target Vehicle 1** is registered in DOL records). Frank Graves was  
26 charged in King County Superior Court and pled guilty to one count of conspiracy to  
27 possess with the intent to deliver Oxycodone and one count of unlawful possession of  
28

1 Oxycodone. He was sentenced to 30 days in jail on a work release program and one year  
2 under the Washington State Department of Corrections supervision. He is not currently  
3 under supervision by any state or federal correction agency.

4 28. In July of 2019, Frank Jr. was involved in a drug transaction where he sold  
5 fentanyl pills to two individuals who then attempted to rob him. Frank Jr. shot both,  
6 killing one, and was shot himself in return. At the time of the shooting, he was in  
7 possession of over \$11,000 in cash and 500 Oxycodone pills, packaged in groups of 100.  
8 Frank Jr. was charged with Unlawful Possession of a Firearm and Possession of  
9 Narcotics with the Intent to Deliver. He pled guilty to Unlawful Possession of a Firearm  
10 in the Second Degree and received a sentence of 33 months. He served his sentence in  
11 the Olympic Corrections Center – a state prison run by the Washington State Department  
12 of Corrections (DOC). Frank Jr. was released from the Washington Department of  
13 Corrections custody on February 16, 2023, and is on electronic home monitoring at 1175  
14 Harrington PL NE, APT 201.

15 Frank Graves \$650,000 unexplained income (January to March, 2022).

16 29. Investigators conducted a database check and obtained employment  
17 information from the Employment Security Department of Washington State for Frank L  
18 Graves, which showed no earned wages or income from January 1, 2019, through March  
19 31, 2022. Nevertheless, financial records show that, in 2022, bank accounts in Frank  
20 Graves's name received over \$450,000 in cash deposits and over \$200,000 from peer-to-  
21 peer applications, such as Zelle and Cash App. Based on these large deposits in cash and  
22 peer-to-peer transactions, which have not been reported as income, as well as the  
23 information set forth elsewhere in this affidavit, agents believe based on their training and  
24 experience, that these deposits indicate that Frank Graves is likely earning money  
25 through illegal activity, to include drug trafficking.

26 //

27 //

1 Identification of **TT1** and registered address of **Target Vehicle 1**.

2 30. **TT1** has service provided by T-Mobile, and subscriber records show that it  
3 is subscribed to Frank Graves at 1175 Harrington PL NE, APT 201 in Renton, WA, the  
4 same as the registered address for **Target Vehicle 1**. Moreover, investigators have  
5 identified Frank and Frank Jr. as the individuals speaking on these calls based on  
6 familiarity with their voices, the greetings they use for each other, and most of the calls  
7 being associated with Frank Jr.'s PIN number.

8 31. Specifically, based on my review of recorded jail calls and social media  
9 accounts for Frank Graves (discussed below), I am familiar with and recognize his voice  
10 as the person who always answers **TT1** in Frank Jr.'s calls. Based on my review of jail  
11 calls, I further know that Frank Jr. as the person who places the calls described below,  
12 because the majority of the calls are associated with him in the respective correctional  
13 call systems, and Frank Graves often greets the person calling from the jail as "Frank."  
14 Moreover, inmates of the King County Jail and DOC facilities use individual  
15 identification, a PIN system, which links every call made to that specific inmate, though  
16 it is possible for an inmate to use another inmate's PIN. Based on my training and  
17 experience, I know that users of the phone systems at the King County Jail and  
18 Washington DOC facilities, including both the incarcerated individuals and the people  
19 they call, are warned that the line is recorded prior to each call being connected.  
20 Frank Jr., while incarcerated, discusses drug transactions with Frank Graves (**TT1**).

21 32. At the beginning of July 2022, Frank Jr. self-surrendered to begin serving  
22 his sentence in the conviction described above. During his time in state custody, Frank  
23 Jr. has made several calls to his father, Frank Graves, at the phone number (206) 602-  
24 8343 (**TT1**).

25 33. When calling his father, Frank Jr. used the phone systems at county jails  
26 and state prisons, which were recorded. Throughout these recorded calls, Frank Graves  
27 and Frank Jr. used coded language to discuss the fact that Frank Graves was now  
28



1 handling Frank Jr.'s drug trafficking while Frank Jr. was incarcerated. In addition, in  
 2 some of the recorded calls, Frank Graves has been overheard completing drug  
 3 transactions with others. A selection of these calls is summarized below:

4 34. Investigators believe that Frank Graves is trafficking fentanyl pills, based in  
 5 part on these recorded calls. For example, on October 16, 2022, at 8:28 a.m., Frank Jr.  
 6 called **TT1** and spoke with Frank Graves from Coyote Ridge Correction Center on a  
 7 recorded line. During the conversation, the following exchange took place:

8 **Frank Graves (TT1):** Carlos, Little Carlos says what's up.

9 **Frank Jr.:** My Mexican dude?

10 **Frank Graves (TT1):** Yeah, he says he doesn't do candy, man, he was trying to  
 11 explain to me his buddy does the candy. He doesn't do it or some shit he was  
 12 telling me. He's like No I don't do it man I don't know how to do it.

13 **Frank Jr.:** Are you trying to sell your Cutlass? How much you trying to sell your  
 14 Cutlass for?

15 Based on my training and experience, I know that "candy" is a common slang  
 16 term used to refer to fentanyl pills, and I believe that Frank Graves was commenting on a  
 17 drug supplier familiar to Frank Jr. – "Carlos" – telling Frank Jr. that "Carlos" was no  
 18 longer supplying fentanyl pills. I further believe that Frank Jr., knowing that the call was  
 19 being recorded, immediately changed the subject back to one of Frank Graves's vehicles.

20 35. In addition, while talking to Frank Jr. on the recorded line, Frank Graves  
 21 could be overheard on some of the recorded calls completing drug transactions with  
 22 others. For example, on July 7, 2022, in a call from Frank Jr. to **TT1**, Frank Graves can  
 23 be overheard completing a drug transaction with an unknown female. On the recorded  
 24 call, the unknown female asks Frank Graves if he has "any other ones on you," and Frank  
 25 Graves asks Frank Jr. to hold on. The following discussion can then be heard:

26 **Frank Graves (TT1):** I just have the, um, I don't know what happened ... I  
 27 always do ... I don't know, I'm sorry ... I don't have them on me. You don't like  
 28 these, right?

**Female:** [unintelligible]



1 **Frank Graves (TT1):** They are [unintelligible]

2 **Female:** [unintelligible]

3 **Frank Graves (TT1):** Man I'm sorry, here. I don't know what happened.

4 **Female:** Ok [unintelligible]. Let me take two of those then.

5 **Frank Graves (TT1):** 30. I'm sorry about that.

6 **Female:** Ok. That's fine. Just hit me later.

7 Based on my training and experience, I believe that Frank Graves is speaking to  
8 and conducting a drug transaction with an unknown female who is in the room with him.  
9 When he says that he doesn't "know what happened" and "doesn't have them on me," I  
10 believe that Frank Graves is apologizing for not having a particular drug that the female  
11 wants. The female then says that she will take "two of those" instead, indicating that she  
12 will purchase a drug that Frank Graves does have with him. When Frank Graves  
13 immediately responds with "30," I believe that he is referring to the price for that quantity  
14 of the unknown drug he is providing to the female.

15 36. Finally, on December 27, 2022, at 8:18 p.m. Frank Jr. called Frank Graves  
16 on TT1 from the Olympic Corrections Center on a recorded line. During the  
17 conversation, the following exchange took place:

18 **Frank Graves (TT1):** But anyways, real quick, Webb [Desean Harrison], man I  
19 got Foo calling him, I got X calling him, I got 2K [Kamal Brown] calling him,  
20 man this cat, man ran off with it on me, man. They said he is getting hezigh or  
21 something. I don't know man. I got all the n\*\*er's calling him. And X is like,  
22 man, I'll just give it to you and get with him later. I was like man, please man,  
23 because X fucks with him, you know what I mean.

24 **Frank Jr.:** Yeah.

25 **Frank Graves (TT1):** And X is my guy. So he is like, man, I'm just going to  
26 give it to you, bro. I'm like, yeah, thanks. And I'll just get with him later. You  
27 know what I mean?

28 **Frank Jr.:** Yeah. I wonder why [they talk over each other] off the deep end right  
now.

1 **Frank Graves (TT1):** I don't fucking know. But man, [the talk over each other]  
 2 I treated that guy like, I treated that guy, hey you and me treated him like family,  
 3 man, that's what I'm, I don't get it man. You know.

4 **Frank Jr.:** This the thing, though. Sometimes that shit gets the best of you.

5 **Frank Graves (TT1):** They said, they said he snezorts [unintelligible] a little.

6 **Frank Jr.:** Ah yeah that's, it's kicking ass right now.

7 **Frank Graves (TT1):** No, the homies, the homies sezaid he seen him doing it,  
 8 man, he's just and X is like yeah he does that to me too. I'm like, shit.

9 **Frank Jr.:** That's when you know you are gezone, that's one step away from  
 10 those other ones.

11 **Frank Graves (TT1):** God man. Its all bad, bro. But the homies? Come on,  
 12 man. Yeah, your boy Foo is killing it, man. I talked, I talked to Foo, he happened  
 13 to be on the bezone, and ah, and ah, what's it called, Waikiki or whatever, he said  
 14 he is buying homes down there or some shit.

15 **Frank Jr.:** In Hawaii?

16 **Frank Graves (TT1):** ummmhmmm. Yeah he is buying homes, shit. Yeah.  
 17 The talk over each other.

18 **Frank Jr.:** He's buying houses in Atlanta and shit.

19 **Frank Graves (TT1):** Uh, well he is in Waikiki, I just got off the phone with him.

20 **Frank Jr.:** Yeah, Foo's up right now.

21 **Frank Graves (TT1):** Yeah, that dude is not playing. Yeah, he's smoother than  
 22 silk, man.

23 **Frank Jr.:** Who would have thought.

24 Based on my training and experience, I believe Frank Graves is claiming that  
 25 Desean Harrison owes him a debt of two thousand dollars – likely for narcotics. He has  
 26 numerous friends attempting to intercede for him, including Kamal Brown. Frank Graves  
 27 and Frank Jr. believe Harrison has started using drugs and that's impacting his ability to  
 28 function within the business. They then talk about an unknown person, "Foo," who is  
 also selling narcotics and purchasing property.

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1 Evidence of drug trafficking on Frank Graves social media.

2 37. Frank Graves' publicly viewable social media further indicates that he is  
3 engaged in drug trafficking. A selection of these messages is summarized below:

4 38. On November 9, 2022, at approximately 3:00 p.m., Frank Graves posted a  
5 selfie-style video on his Instagram account: @frank\_e\_fresh\_206. In the video, Frank  
6 Graves says the following to the camera:

7 **Frank Graves:** If you want a thrill in your life, put a pill in your life.

8 [As he said this, he mimicked flipping something into his mouth.]

9 **Frank Graves:** For rig-a-deal fo shig-a-dil. Fresh Fresh man. I mean. Out here  
10 doing the [unintelligible] man. It aint gonna stop. Every since I was a youngster  
11 man, I've been doing this shit man. Running. Fast man. Doing my thing thing.  
You know what I mean. Elvis mother-fucking-freshly man.

12 39. Based on my training and experience, I believe that Frank Graves is  
13 discussing his drug trafficking business in this video, specifically by encouraging people  
14 to take pills – likely fentanyl pills.

15 40. On December 1, 2022, at approximately 10:00 a.m., **Target Account 1**  
16 shared a publicly viewable video in which Frank Graves can be seen wearing an orange  
17 hoodie sweatshirt beneath a white and black letterman's style jacket and an orange  
18 beanie. Frank Graves then spoke the following to the camera:

19 **Frank Graves:** Man, about my paper [money] man. You guys, about your  
20 money, they be like 'it's snowing, it's this, it's that.' Hey, I'll wouldn't give a  
21 damn if it was snow, ah, nails man. I'm getting out and getting my money, man.  
22 If I'm in a wheelchair, I'm gonna be rolling to the block. Man, you know what  
23 I'm saying. I wouldn't give a fuck. Aint nothing gonna stop me from getting  
24 some money, man. Believe that, man. Elvis Freshly, man. I'm a hustler's hustler,  
25 man. Franke Yadedda Hollar. I mean. Shit you can't do nothing without the  
26 money, you know what I mean. So don't let shit stop you from getting some  
27 mother-fucking paper [money], man. At all costs, man, get your money, man.  
28 You know. Be a duffle-bag boy. I mean. You know. Yeah. But anyway. I just  
be. A little motivation for this morning. Man, don't let shit stop you. I don't give  
a fuck if it was a blizzard, man. I'm getting out the fuck here and getting some of  
my mother fucking –

At this point in the video, it cuts off. Based on my training and experience, I believe that Frank Graves is discussing his drug trafficking business in this video. I know that that, on December 1, 2022, there was a significant snowstorm in the Seattle area. In the video, Frank Graves is saying that he would not let the snow get in the way of making “paper,” a common slang term for money. Based on my training and experience, I believe that individuals looking for drugs would understand from this video that Frank Graves remained open for business during the snowstorm, while other drug suppliers may not. Frank Graves also says that he is a “hustler’s hustler,” with “hustler” being a term commonly used to refer to a drug dealer.

Frank Graves uses multiple vehicles.

41. Investigators have observed Frank Graves driving multiple vehicles in the time that they have been conducting physical surveillance of him, and he has six vehicles registered in his name at the 1175 Harrington PL NE address in Renton. Vehicles registered to Frank Graves at this address include:

- BUB3290 – 2012 Red Ford Focus
- 81259CV – 1972 Gold Oldsmobile Cutlass
- BZF3229 – 2008 Black Mercedes GL
- CDL3026 – 2015 Light Blue Chevy Suburban
- D02832A – 2004 Black Dodge Ram
- CFH8021 – 2006 Silver Cadillac DTS

42. Investigators believe that Frank Graves regularly switches out the vehicles that he uses to conduct his drug trafficking, a tactic commonly used by drug traffickers in an effort to avoid detection by law enforcement or rival drug traffickers.

Surveillance of Frank Graves engaged in suspected drug transactions.

43. Investigators have also conducted physical surveillance of Frank Graves and have observed him conduct suspected hand-to-hand drug transactions on multiple occasions. Based on their observations, investigators believe that Frank Graves typically

1 conducts his drug transactions in public parking lots, which he gets to either by walking  
2 from his residence at 1175 Harrington PL NE in Renton or by driving one of several  
3 vehicles registered to him (including **Target Vehicle 1**). Investigators have observed  
4 Frank Graves conduct suspected drug deals with several different individuals, with the  
5 meetings lasting for very short periods of time.

6 44. Investigators have observed Frank Graves repeatedly conducting suspected  
7 drug transactions at certain locations, including the Rite Aid located at 2116 Sunset Blvd  
8 NE, the McDonalds restaurant located at 73 Rainer Ave S, and the Popeyes Louisiana  
9 Kitchen located at 105 SW 7 ST, all in Renton, Washington. During these suspected  
10 drug transactions, Frank Graves drives into the parking lot, meets another person in his  
11 own vehicle or in their vehicle, and then leaves the area in his own vehicle after a short  
12 period of time. While at these locations, investigators have seen Graves actually enter the  
13 business at the address only once, and he was inside the store for less than a minute.  
14 Based on my training and experience, having watched Frank Graves make over a dozen  
15 of these types of contacts, agents believe Frank Graves is executing drug transactions  
16 during these visits.

17 45. A summary of some of these surveillance observations is set forth below:

18 46. On November 9, 2022, investigators conducted physical surveillance in the  
19 parking lot of the Rite Aid located at 3116 Sunset Blvd NE in Renton, Washington,  
20 which is located near Frank Graves' residence at 1175 Harrington PL NE, #201, in  
21 Renton, Washington. At approximately 8:10 p.m., investigators saw a white Dodge Ram  
22 pickup enter the lot and park one parking spot away. The vehicle appeared to have only  
23 one occupant, and it backed into the parking spot and turned out its lights. Nobody exited  
24 the vehicle, which is unusual in a commercial parking lot. At 8:19 p.m., investigators saw  
25 a light-skinned black male walk up to the driver's side window of the white Dodge Ram.  
26 This male was wearing a black puffy coat, a pink hoodie underneath with the hood pulled  
27 up and blue jeans with something embroidered on them. Based on the person's physical  
28

1 characteristics, including his height and weight, and clothing, which matched clothing  
2 investigators had seen in a video shared by Frank Graves's Instagram account,  
3 @frank\_e\_fresh\_206, earlier in the day, investigators believed that this person was Frank  
4 Graves. Investigators saw the man hand something through the driver's side window to  
5 the occupant of the white truck, and the driver handed something back. The white truck  
6 then pulled out and left the parking lot while the man who arrived on foot walked away  
7 westbound on NE 12th Street towards Harrington PL NE, where Graves' condo is  
8 located. Investigators used their vehicle to follow and then drive next to the man who  
9 had arrived on foot, who was looking at a cell phone and had his face illuminated by the  
10 screen. At that point, investigators recognized that person as Frank Graves, based on  
11 comparison to his Washington State Department of Licensing photo. Based on my  
12 training and experience, this short interaction in the parking lot, in which the two  
13 individuals met briefly and exchanged something by hand, is consistent with a hand-to-  
14 hand drug transaction.

15 47. On December 8, 2022, investigators conducted physical surveillance on  
16 Frank Graves. At approximately 8:30 a.m., investigators observed Graves leave his  
17 residence at 1175 Harrington PL NE in Renton, Washington. At approximately 11:30  
18 am, investigators saw Frank Graves, driving TV1, stop in the parking lot of Popeye's  
19 Chicken at 105 SW 7 ST in Renton, Washington. A chaotic scene erupted, with multiple  
20 individuals surrounding Frank Graves's vehicle and getting in and out of the car in rapid  
21 succession. First, a white male got into the front seat of **Target Vehicle 1** and an  
22 unknown race male got into the back seat. Investigators lost sight of **TV1** for a few  
23 moments and when they were able to see **TV1** again, those two males had exited the  
24 vehicle. A 2019 red Jeep Renegade bearing Washington license plate BTN4146,  
25 registered to Latoya L Shavers (DOB: xx-xx-79) from Renton, Washington, then entered  
26 the lot along with a blue Acura with the Washington license plate CDU9925 registered to  
27 Benjamin Harris (DOB: xx-xx-96) from Renton, Washington. A black female from the  
28

1 red jeep got into **TV1**. A black female wearing a Seahawks jersey and an unknown race  
2 male wearing a pink sweatsuit got into **TV1**. Within minutes, the female and male exited  
3 **TV1** and left the area in their respective vehicles. Based on my training and experience, I  
4 believe Graves' brief interactions with these individuals was indicative of drug  
5 transactions with Graves supplying these individuals with drugs in exchange for money.

6 48. On February 10, 2023, at approximately 9:14 a.m., GPS data placed **TT1**  
7 within range of Frank Graves' home at 1175 Harrington Place Northeast in Renton,  
8 Washington. Investigators conducting physical surveillance in the area observed Frank  
9 Graves leave the building and enter the driver's side of Target Vehicle 2, which was  
10 parked on Harrington Place Northeast. Frank Graves drove a block and half east and  
11 pulled into the parking lot of the Rite Aid at 3116 Sunset Blvd NE, where investigators  
12 had observed him conduct suspected narcotics transactions in the past (see above). A  
13 black female got out of a light-colored SUV and contacted him but after some words got  
14 back into the SUV while Frank Graves entered the Rite Aid. At 9:16 a.m., investigators  
15 observed Frank Graves leave the Rite Aid and contact the black female in the SUV,  
16 where they exchanged items through the driver's side window. Frank Graves then moved  
17 to a red pickup, backed into a parking spot on the south side of the parking lot, opposite  
18 the SUV, and got into the passenger seat. At 9:17 a.m., Frank Graves got out of the  
19 pickup and returned to Target Vehicle 2. All three of these vehicles then left the parking  
20 lot. Based on their training and experience, agents believe that Frank Graves was  
21 conducting hand-to-hand drug transactions. GPS data placed **TT1** within range of the  
22 Rite Aid parking lot during these suspected drug transactions.

23 **Target Vehicle 1 used to facilitate suspected drug transactions.**

24 49. On January 20, 2023, when United States Magistrate Judge S. Kate  
25 Vaughan signed a tracking warrant for **Target Vehicle 1**, which investigators believed  
26 was used by Frank Graves in furtherance of drug trafficking. The location information  
27  
28



1 collected for **TV1** during the period from January 20, 2023, to the present show that  
2 Frank Graves is continuing to use **TV1** in furtherance of drug trafficking.

3 50. A summary of some of these surveillance observations of **Target Vehicle 1**  
4 are set forth below:

5 51. On February 12, 2023, GPS data for **TV1** showed that it entered the  
6 McDonalds parking lot, listed above, at 11:12 a.m. and left at 11:16 a.m. It then moved  
7 to the Rite Aid parking lot at 2:22 p.m. and left at 2:28 p.m.

8 52. On February 13, 2023, GPS data for **TV1** showed it entered the McDonalds  
9 at 10:53 a.m. and left at 10:58 a.m.

10 53. On February 14, **TV1** makes a similar short visit to Rite Aid (entered at  
11 9:04 a.m. and left at 9:11 a.m.), two visits to McDonalds (entered at 9:27 a.m. and left at  
12 9:31 a.m. then entered again at 1:03 p.m. and left at 1:04 p.m., and one visits to Popeyes  
13 (entered at 4:13 p.m. and left at 4:18 p.m.).

14 54. On February 15, **TV1** makes another short visit to McDonalds. GPS data  
15 showed Target Vehicle 1 entered the McDonalds at 8:35 a.m. and left at 8:38 a.m.

16 55. Based on my training and experience and knowing that Frank Graves has  
17 used **Target Vehicle 1** to conduct drug transactions, the movement of this vehicle to  
18 locations where investigators know he has conducted these transactions in the past, and  
19 the shortness of each stay at those locations, investigators believe that Frank Graves is  
20 using Target Vehicle 1 to conduct drug transactions.

## 21 **KNOWLEDGE BASED ON TRAINING & EXPERIENCE**

### 22 Common Characteristics of Drug Traffickers

23 56. Based upon my experience and training with the FBI as well as  
24 conversations I have had with other agents and law enforcement officers who specialize  
25 in narcotics investigations, including investigations into the laundering of narcotics  
26 trafficking proceeds, I am familiar with the methods, tactics, and techniques utilized by  
27 narcotics trafficking/money laundering organizations. I have spoken with federal agents,  
28



1 as well as other law enforcement officers, about their experiences and the results of their  
2 investigations and interviews. Through my conversations with these agents and other law  
3 enforcement officers, I am knowledgeable in the methods and modes of narcotics  
4 trafficking/money laundering operations.

5 57. Based on my training and experience, I know narcotics traffickers often  
6 require the use of one or more communication facilities to negotiate times, places,  
7 schemes, and manners for importing, possessing, concealing, manufacturing, and  
8 distributing controlled substances and for arranging the disposition of proceeds from the  
9 sale of controlled substances. I know international and domestic narcotics trafficking  
10 organizations often depend on maintaining timely long-distance and local connections  
11 between original sources of supply and those down the organizational chain. Narcotics  
12 traffickers utilize a variety of communication methods, including telephone  
13 communications, encrypted messaging applications, and email. I also know narcotics  
14 traffickers often use fraudulent information to subscribe to communication facilities, and  
15 frequently change communication facilities to thwart law enforcement efforts to intercept  
16 their communications.

17 58. Based on my training and experience, and my discussions with other  
18 experienced officers and agents involved in drug investigations, I know that drug dealers  
19 use cellular telephones as a tool or instrumentality in committing their criminal activity.  
20 They use them to maintain contact with their suppliers, distributors, and customers. They  
21 prefer cellular telephones because they can be purchased without the location and  
22 personal information that land lines require. They can be easily carried to permit the user  
23 maximum flexibility in meeting associates, avoiding police surveillance, and traveling to  
24 obtain or distribute drugs. They can also be passed between members of a drug  
25 conspiracy to allow substitution when one member leaves the area temporarily. I also  
26 know that it is common for drug traffickers to retain in their possession phones that they  
27 previously used, but have discontinued actively using, for their drug trafficking business.

1 Based on my training and experience, the data maintained in a cellular telephone used by  
2 a drug dealer is evidence of a crime or crimes.

3 Use of Location Data

4 59. In my experience, the geographic location information requested in this  
5 Affidavit is useful in drug trafficking investigations as the information can be used to: (1)  
6 aid surveillance during suspected drug deals; (2) help locate and identify target  
7 residences, stash houses, and other storage locations; (3) help identify where known and  
8 unknown conspirators live and the vehicles they drive; (4) help identify sources of  
9 supply, customers, and other unknown conspirators who assist in the distribution of  
10 narcotics and/or help launder the cash drug proceeds; (5) help understand geographic  
11 breadth of the Drug Trafficking Organization (DTO) how and where conspiracies  
12 operate; (6) help identify locations of money transfer businesses used by members of the  
13 conspiracy to launder cash drug proceeds or through which money is exchanged between  
14 co-conspirators; and (7) help identify transportation sources used by the conspirators.

15 60. Based upon my training and experience, one way to identify co-  
16 conspirators is to covertly follow target telephones with the use of electronic tracking,  
17 known to be utilized in furtherance of drug trafficking and money laundering offenses,  
18 and then conduct an investigation using the addresses the vehicles/devices travel to.  
19 Based upon the location information, I would then direct other investigators to conduct  
20 surveillance at the addresses and determine if criminal activity was occurring there,  
21 which in turn could lead to potential names of conspirators and potential narcotics storage  
22 locations used by the DTO. Obtaining this location information is critical to accurately  
23 identifying such co-conspirators and locations, as the residences of the targets are often  
24 times in either remote, rural areas, or small residential neighborhoods, which make close,  
25 physical surveillance by agents almost impossible to accomplish without being  
26 discovered by the suspects.

1           61. Based on my training and experience, I know each cellular device has one  
2 or more unique identifiers embedded inside it. Depending on the cellular network and  
3 the device, the embedded unique identifiers for a cellular device could take several  
4 different forms, including an Electronic Serial Number ("ESN"), a Mobile Electronic  
5 Identity Number ("MEIN"), a Mobile Identification Number ("MIN"), a Subscriber  
6 Identity Module ("SIM"), a Mobile Subscriber Integrated Services Digital Network  
7 Number ("MSISDN"), an International Mobile Subscriber Identifier ("IMSI"), or an  
8 International Mobile Equipment Identity ("IMEI"). The unique identifiers -- as  
9 transmitted from a cellular device to a cellular antenna or tower -- can be recorded by  
10 pen-traps and indicate the identity of the cellular device making the communication  
11 without revealing the communication's content. Currently, **TT1** has an IMEI number of  
12 356011265967670.

13           62. Based on my training and experience, I know that when a cell phone  
14 connects to a cellular antenna or tower, it reveals its embedded unique identifiers to the  
15 cellular antenna or tower, and the cellular antenna or tower records those identifiers as a  
16 matter of course. The unique identifiers -- as transmitted from a cell phone to a cellular  
17 antenna or tower -- are like the telephone number of an incoming call. They can be  
18 recorded by pen-trap devices and indicate the identity of the cell phone device making the  
19 communication without revealing the communication's content. In addition, a list of  
20 incoming and outgoing telephone numbers is generated when a cell phone is used to  
21 make or receive calls, or to send or receive text messages (which may include  
22 photographs, videos, and other data). These telephone numbers can be recorded by pen-  
23 trap devices and then used to identify the parties to a communication without revealing  
24 the communication's contents.

25           63. Based my training and experience, I know that a cell phone can also be  
26 used to exchange text messages with email accounts. The email addresses associated  
27  
28

1 with those text messages can be recorded by pen-trap devices and then used to identify  
2 parties to a communication without revealing the communication's contents.

3 64. Based on my training and experience, I know that cellular phones can  
4 connect to the internet via a cellular network. When connecting through a cellular  
5 network, internet communications sent and received by the cellular phone each contain  
6 the same unique identifier that identifies cellular voice communications, such as an ESN,  
7 MEIN, MIN, SIM, IMSI, MSISDN, or IMEI. Internet communications from a cellular  
8 phone also contain the IP address associated with that cellular phone at the time of the  
9 communication. Each of these unique identifiers can be used to identify parties to a  
10 communication without revealing the communication's contents.

11 65. In my training and experience, I have learned that T-Mobile Wireless is a  
12 company that provides cellular telephone access to the general public. I also know that  
13 certain providers of cellular telephone service have technical capabilities that allow them  
14 to collect and generate information about the locations of the cellular telephones to which  
15 they provide service, including E-911 Phase II data (also known as GPS data or latitude-  
16 longitude data) and cell-site data (also known as "tower/face information" or cell  
17 tower/sector records). E-911 Phase II data provides relatively precise location  
18 information about the cellular telephone itself, either via GPS tracking technology built  
19 into the phone or by triangulating on the device's signal using data from several of the  
20 provider's cell towers. Cell-site data identifies the cell towers (i.e., antenna towers  
21 covering specific geographic areas) that received a radio signal from the cellular  
22 telephone and, in some cases, the "sector" (i.e., faces of the towers) to which the  
23 telephone connected. These towers are often a half-mile or more apart, even in urban  
24 areas, and can be 10 or more miles apart in rural areas. Furthermore, the tower closest to  
25 a wireless device does not necessarily serve every call made to or from that device.  
26 Accordingly, cell-site data is typically less precise than E-911 Phase II data.  
27  
28

1           66. Based on my training and experience, I know that cellular service providers  
2 such as T-Mobile Wireless can collect E-911 Phase II data about the location of **Target**  
3 **Telephone 1** including by initiating a signal to determine the location of **Target**  
4 **Telephone 1** on its respective network or with such other reference points as may be  
5 reasonably available.

6           67. When using a cellular connection to receive or transmit data, a cellular  
7 phone typically utilizes a cell tower to make telephone calls, send or receive text  
8 messages, send or receive emails, surf the internet, carry out application initiated data  
9 transfers, among other things.

10           68. Based on my training and experience, I know that cellular service providers  
11 such as T-Mobile Wireless can collect cell-site data about **Target Telephone 1**. Based  
12 on my training and experience, I know that for each communication (including data  
13 connections) a cellular device makes, its wireless service provider can typically  
14 determine: (1) the date and time of the communication; (2) the telephone numbers  
15 involved, if any; (3) the cell tower to which the customer connected at the beginning of  
16 the communication; (4) the cell tower to which the customer connected at the end of the  
17 communication; and (5) the duration of the communication. I also know that wireless  
18 providers such as T-Mobile Wireless typically collect and retain cell-site data pertaining  
19 to cellular devices to which they provide service in their normal course of business in  
20 order to use this information for various business-related purposes.

21           69. Different service providers use different systems, applications, and reports  
22 to collect or analyze cell site data. These systems, applications, and reports are referred  
23 to by a variety of names including, but not limited to real-time tool or “RTT” (T-Mobile),  
24 Periodic Location Updates or “PLU” (T-Mobile), per call measurement data or “PCMD”  
25 (Sprint), Network Event Location System or “NELOS” (AT&T), EVDO, ALULTE,  
26 Timing Advance, and TruCall. RTT data, for example, estimates the approximate  
27 distance of the cellular device from a cellular tower based upon the speed with which  
28

1 signals travel between the device and the tower. This information can be used to estimate  
2 an approximate location range that is more precise than typical cell-site data.

3 70. Based on my training and experience, I know that wireless providers such  
4 as T-Mobile Wireless and typically collect and retain information about their subscribers  
5 in their normal course of business. This information can include basic personal  
6 information about the subscriber, such as name and address, and the method(s) of  
7 payment (such as credit card account number) provided by the subscriber to pay for  
8 wireless communication service. I also know that wireless providers such T-Mobile  
9 Wireless typically collect and retain information about their subscribers' use of the  
10 wireless service, such as records about calls or other communications sent or received by  
11 a particular device and other transactional records, in their normal course of business. In  
12 my training and experience, this information may constitute evidence of the crimes under  
13 investigation because the information can be used to identify the Target Telephone's user  
14 or users and may assist in the identification of co-conspirators and/or victims.

15 Modern cell phones allow users to switch their telephone numbers, use multiple  
16 telephone numbers on a single device, and transfer their telephone number to a different  
17 cell phone. These changes can be made with the assistance of the wireless provider or by  
18 taking actions such as changing the "SIM card" (short for "subscriber identity module  
19 card") of a cellphone. To provide for any such changes made to **Target Telephone 1**,  
20 Attachment A2 specifies that the property to be searched includes: (i) any instrument to  
21 which the listed target telephone number was assigned within the last 30 days, and that  
22 now has been assigned a changed telephone number, (ii) any changed telephone number  
23 assigned to an instrument now bearing the same unique identifying number (such as an  
24 IMSI, ESN, MSID, or IMEI) as the telephone number listed above, or that was bearing  
25 the same unique identifying number as the telephone number listed above, at any point  
26 within the last 30 days, (iii) any changed unique identifying number subsequently  
27 assigned to the same telephone number, or (iv) any additional changed telephone number  
28

1 and/or unique identifying number, whether the changes occur consecutively or  
2 simultaneously, listed to the same subscriber and wireless telephone account number as  
3 the telephone numbers listed above, within the period of disclosure authorized by this  
4 warrant.

5 **AUTHORIZATION REQUEST FOR TARGET TELEPHONE**

6 71. Based on the foregoing, I request that the Court issue the proposed search  
7 warrant and pen-trap order, pursuant to Federal Rule of Criminal Procedure 41, 18 U.S.C.  
8 § 2703(c), and 18 U.S.C. § 3123.

9 72. I further request, pursuant to 18 U.S.C. § 3103a(b) and Federal Rule of  
10 Criminal Procedure 41(f)(3), that the Court authorize the officer executing the warrant to  
11 delay notice to the subscriber(s) or user(s) of **TT1** until 90 days after the collection  
12 authorized by the warrant has been completed. There is reasonable cause to believe that  
13 providing immediate notification of the warrant may have an adverse result, as defined in  
14 18 U.S.C. § 2705. Providing immediate notice to the subscriber or user of the Target Cell  
15 Phone would seriously jeopardize the ongoing investigation, as such a disclosure would  
16 give that person an opportunity to destroy evidence, change patterns of behavior, notify  
17 confederates, and flee from prosecution. *See* 18 U.S.C. § 3103a(b)(1). As further  
18 specified in Attachment B, which is incorporated into the warrant, the proposed search  
19 warrant does not authorize the seizure of any tangible property. *See* 18 U.S.C. §  
20 3103a(b)(2). Moreover, to the extent that the warrant authorizes the seizure of any wire  
21 or electronic communication (as defined in 18 U.S.C. § 2510) or any stored wire or  
22 electronic information, there is reasonable necessity for the seizure for the reasons set  
23 forth above. *See* 18 U.S.C. § 3103a(b)(2).

24 73. I further request that the Court direct T-Mobile Wireless to disclose to the  
25 government any information described in Attachment B that is within the possession,  
26 custody, or control of Mobile Wireless. I also request that the Court direct Mobile  
27 Wireless to furnish the government all information, facilities, and technical assistance  
28



1 necessary to accomplish the collection of the information described in Attachment B  
2 unobtrusively and with a minimum of interference with Mobile Wireless services,  
3 including by initiating a signal to determine the location of **TT1** on Mobile Wireless  
4 network or with such other reference points as may be reasonably available, and at such  
5 intervals and times directed by the government. The agency shall reasonably compensate  
6 Mobile Wireless for reasonable expenses incurred in furnishing such facilities or  
7 assistance.

8 74. Pursuant to 18 U.S.C. § 2703(g), the government will execute this warrant  
9 by serving the warrant on the respective cellular service providers. Because the warrant  
10 will be served on Mobile Wireless, who will then compile the requested records and data,  
11 reasonable cause exists to permit the execution of the requested warrant at any time in the  
12 day or night. I therefore request that the Court authorize execution of the warrant at any  
13 time of day or night, owing to the potential need to locate **TT1** outside of daytime hours.

#### 14 **AUTHORIZATION REQUEST FOR TARGET VEHICLE**

15 75. I seek authority to do the following: (a) install, remove, monitor, repair, or  
16 adjust a global positioning satellite (hereinafter GPS) electronic tracking device on to  
17 **Target Vehicle 1** at any time of the day or night; (b) if necessary to protect the safety of  
18 person installing, removing monitoring, repairing, or adjusting the electronic tracking  
19 device on **Target Vehicle 1** or to protect the integrity of the investigation, to  
20 surreptitiously enter the subject vehicle at any time of the day or night, and move the  
21 subject vehicle from one location to another for the purpose of installing, removing,  
22 monitoring, repairing, or adjusting the device; and/or to tow the vehicle; (c)  
23 surreptitiously re-enter **Target Vehicle 1** at any time of the day or night, for the purpose  
24 of installing, removing, monitoring, repairing, or adjusting the device; and (d)  
25 continuously monitor any and all signals emitted from the electronic tracking device in  
26 any jurisdiction within the United States, including when the vehicle enter any structure  
27  
28



1 or private property in which there may be a reasonable expectation of privacy. I request  
2 this authorization for a period of up to forty-five (45) days.

3 76. I further request permission to enter the private property located at 1175  
4 Harrington PL NE, Renton, Washington (Frank Graves home address) to install the GPS  
5 device.

6 77. I further request, pursuant to 18 U.S.C. § 3103a(b) and Federal Rule of  
7 Criminal Procedure 41(f)(3), that the Court authorize the officer executing the warrant to  
8 delay notice to the owner(s) or user(s) of **Target Vehicle 1** until 90 days after the  
9 collection authorized by the warrant has been completed. There is reasonable cause to  
10 believe that providing immediate notification of the warrant may have an adverse result,  
11 as defined in 18 U.S.C. § 2705. Providing immediate notice to the user(s)/owner(s) of  
12 the Target Vehicle would seriously jeopardize the ongoing investigation, as such a  
13 disclosure would give that person an opportunity to destroy evidence, change patterns of  
14 behavior, notify confederates, and flee from prosecution. *See* 18 U.S.C. § 3103a(b)(1).

#### 15 **REQUEST FOR SEALING AND DELAYED NOTICE**

16 78. To avoid seriously jeopardizing this ongoing, multi-state investigation into  
17 this DTO and to avoid the risk of the suspects' potential flight from prosecution and  
18 destruction of evidence prior to indictment, I request that the Court order the application,  
19 this affidavit, the prior affidavits, the tracking warrants, and the returns, be sealed until  
20 further order of the Court. These documents discuss an ongoing criminal investigation  
21 that is neither public nor known to the targets of the investigation. Based upon my  
22 knowledge, training, and experience, it is my belief that making these documents publicly  
23 available and providing immediate notification of the execution of these warrants will  
24 have an adverse result on this investigation, as defined at Title 18, U.S.C., Section 2705  
25 (a)(2), and would likely result in the targets' flight from prosecution, the destruction of or  
26 tampering with evidence, the intimidation or retaliation against the CS and other potential  
27 witnesses, and otherwise seriously jeopardize the ongoing investigation. Accordingly,

1 there is good cause to seal these documents because their premature disclosure may  
2 seriously jeopardize that investigation. For the same reasons, and because this  
3 investigation is likely to take at least 90 days to conclude, given its breadth and  
4 geographic scope, which includes agencies operating in California and Oregon among  
5 other locations, I request a delay of 90 days to provide requisite notice I request  
6 permission to delay providing the requisite notice of the tracking warrants for a period of  
7 90 days and, if needed, may seek an extension of this request at that time.

8 

9 Matt Blackburn, Affiant  
10 Task Force Officer  
11 Federal Bureau of Investigation

12 The above-named agent provided a sworn statement to the truth of the foregoing  
13 affidavit by telephone on the 3rd day of March, 2023.  
14

15 

16 PAULA McCANDLIS  
17 United States Magistrate Judge  
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**EXHIBIT 1**

DECLARATION

I, Stephen Hobbs, declare as follows:

1. I am a duly appointed Assistant United States Attorney for the Western District of Washington, and I have primary responsibility for representing the interests of the United States herein.

2. I make this declaration in support of an application for a search warrant pursuant to Federal Rule of Criminal Procedure 41 and 18 U.S.C. § 2703(c)(1)(A) with an integrated pen-trap order pursuant to 18 U.S.C. §§ 3122 and 3123.

3. Pursuant to 18 U.S.C. § 3122(b), I certify that the FBI is the law enforcement agency conducting the investigation in this matter and that the information likely to be obtained from the requested warrant is relevant to an ongoing criminal investigation being conducted by that agency.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing Application is made on the basis of information officially furnished, and on that basis I verily believe such information to be true.

Executed this 3<sup>rd</sup> day of March, 2023.

s/ Stephen Hobbs

STEPHEN HOBBS

Assistant United States Attorney

## **ATTACHMENT A2**

### **Property to Be Searched and Subscriber/Subject Information**

1. Records and information associated with the cellular phone assigned call number (206) 602-8343, with listed subscriber Frank Graves and the subscriber address is 1175 Harrington PL NE, APT 201 in Renton, WA (the “Target Cell Phone”), that are in the custody or control of T-Mobile, a wireless telephone service provider headquartered at 4 Sylvan Way, Parsippany, NJ 07054. The subscriber/customer of the Target Cell Phone is Frank Graves. The identity of the person who is the subject of the criminal investigation is Frank Graves and other known and unknown.

2. The Target Cell Phone.

3. The property to be searched includes: (i) any instrument to which the listed target telephone number was assigned within the last 30 days, and that now has been assigned a changed telephone number, (ii) any changed telephone number assigned to an instrument now bearing the same unique identifying number (such as an IMSI, ESN, MSID, or IMEI) as the telephone number listed above, or that was bearing the same unique identifying number as the telephone number listed above, at any point within the last 30 days, (iii) any changed unique identifying number subsequently assigned to the same telephone number, or (iv) any additional changed telephone number and/or unique identifying number, whether the changes occur consecutively or simultaneously, listed to the same subscriber and wireless telephone account number as the telephone numbers listed above, within the period of disclosure authorized by this warrant.

**ATTACHMENT B**  
**Particular Things to Be Seized**

This warrant is issued pursuant to Rule 41 of the Federal Rules of Criminal Procedure, the Electronic Communications Privacy Act (ECPA), 18 U.S.C. §§ 2701- 2713, and the Pen Register Act, 18 U.S.C. §§ 3121-3127. As such, this warrant authorizes the collection of subscriber records, pen-trap data, and cell site data information regarding the Target Telephone described in Attachment A2. This warrant does not authorize the disclosure or seizure of any tangible property or the content of any wire or electronic communication, as defined in 18 U.S.C. § 2510(8). Accordingly, the Court finds reasonable necessity for the seizure of the data and records identified below. *See* 18 U.S.C. § 3103a(b)(2).

**I. Section I: Information to be Disclosed by as the Wireless Provider**

1. **Subscriber/Account Information.** The following non-content information about the customers or subscribers associated with the Account listed in Attachment A2:

- a. Names (including subscriber names, user names, and screen names);
- b. Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses);
- c. Local and long distance telephone connection records for the last 60 days or two billing cycles, whichever is longer;
- d. Records of session times and durations, and the temporarily assigned network addresses (such as Internet Protocol (“IP”) addresses) associated with those sessions for the past 60 days or two billing cycles, whichever is longer;
- e. Length of service (including start date) and types of service utilized;
- f. Telephone or instrument numbers (including MAC addresses, Electronic Serial Numbers (“ESN”), Mobile Electronic Identity Numbers (“MEIN”), Mobile Equipment Identifiers (“MEID”), Mobile Identification Numbers (“MIN”), Subscriber Identity Modules (“SIM”), Mobile Subscriber Integrated Services Digital Network Numbers (“MSISDN”), International Mobile Subscriber Identity Identifiers (“IMSI”), or International Mobile Equipment Identities (“IMEI”);

g. Other subscriber numbers or identities (including the registration Internet Protocol (“IP”) address); and

h. Means and source of payment for such service (including any credit card or bank account number) and billing records.

**2. Prospective Cell Site Location Information.**

a. All information about the location of the Target Telephone described in Attachment A for **a period of 45 days from activation**, during all times of day and night. This information includes: precise location information, as well as all data about which “cell towers” (i.e., antenna towers covering specific geographic areas) and “sectors” (i.e., faces of the towers) received a radio signal from the cellular telephone(s) or account(s) described in Attachment A2.

b. The physical address and coverage maps of cell towers used by the Target Telephone described in Attachment A2.

**3. Prospective E-911/GPS and Cell Site Triangulation Information.**

a. All information about the location of the Target Telephone described in Attachment A2 for **a period of 45 days**, during all times of day and night. This information includes: all available E-911 Phase II data, GPS data, latitude-longitude data, and other precise location information, as well as all data about which “cell towers” (i.e., antenna towers covering specific geographic areas) and “sectors” (i.e., faces of the towers) received a radio signal from the cellular telephone(s) or account(s) described in Attachment A2.

b. The physical address and coverage maps of cell towers used by the Target Telephone described in Attachment A2.

To the extent that the location information described in the previous paragraphs (hereinafter, “Location Information”) is within the possession, custody, or control of the Wireless Provider. The Wireless Provider is required to disclose the Location Information to the government pursuant to this warrant. In addition, pursuant to 18 U.S.C. §§ 3123(b)(2) and 3124(a)-(b), the Wireless Provider must furnish the government all information, facilities, and technical assistance necessary to accomplish the collection of the Location Information unobtrusively and with a minimum of interference with the Wireless Provider’s services. The government shall compensate the Wireless Provider for reasonable expenses incurred in

furnishing such facilities or assistance.

**II. Section II: Information to Be Seized by the Government**

1. All information described above in Section I that will assist in investigating unidentified subjects who are engaged in violating 21 U.S.C. §§ 841(a)(1), and 846.
2. All non-content subscriber/account information provided pursuant to 18 U.S.C. § 2703(c).
3. Location Information regarding the Target Telephone described in Attachment A2.

Law enforcement personnel (who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, agency personnel assisting the government in this investigation, and outside technical experts under government control) are authorized to review the records produced by the Wireless Provider in order to locate the things particularly described in this Warrant.